

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

POLYFORM A.G.P., INC.,
PLASTIQUES CELLULAIRES
POLYFORM, INC., and
NUDURA INC.,

Civil No. 17-735(JRT/LIB)

Plaintiffs and
Counterclaim Defendants,

**ORDER FOR PERMANENT
INJUNCTION AND DISMISSAL
WITH PREJUDICE**

v.

XTREME INSULATION
TECHNOLOGIES, LLC., TERRA LOGIC
BUILDING PRODUCTS, INC., and
COOPER STEWART,

Defendants and
Counterclaim-Plaintiffs.

Aaron M. Johnson, **MERCHANT & GOULD PC**, 80 South Eighth Street,
Suite 320, Minneapolis, MN 55402, for plaintiffs.

Douglas C. Mezera, **BARTZ & BARTZ PA**, 6950 France Avenue South,
Suite 119, Edina, MN 55345, for defendants.

The parties have filed a Stipulation for Permanent Injunction and Dismissal with Prejudice. (Docket No. 66) Based upon all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that the Stipulation for Permanent Injunction and Dismissal with Prejudice is **GRANTED**.

It is therefore **ORDRED**, pursuant to 35 U.S.C. § 283, that:

- a. Defendants Xtreme Insulation Technologies, LLC, Terra Logic Building Products, and any of their agents, subsidiaries, successors,

or affiliates are hereby permanently enjoined from making, using, selling, offering to sell, promoting, or marketing in any way the insulated concrete panels known as the “Xtreme ICFs.”

- b. Defendants Xtreme Insulation Technologies, LLC, Terra Logic Building Products, and any of their agents, subsidiaries, successors, or affiliates are enjoined from advertising, marketing, manufacturing, using, offering to sell, or selling the infringing Xtreme ICF products, including at least the 1) Xtreme ICF Pro Straight Block; 2) Xtreme ICF Pro 90* Corner Block; 3) Xtreme ICF Pro 45* Corner Block; 4) Xtreme ICF Pro Half Height Straight Block; 5) Xtreme ICF Pro Half Height 90* Corner Block; and 6) Xtreme ICF Pro Half Height 45* Corner Block products in the United States of America for the term of the ‘729 Patent.
- c. Xtreme Defendants are enjoined from engaging in any further conduct that infringes U.S. Patent No. 6,792,729 during its term.
- d. If any claim of U.S. Patent No. 6,792,729 is adjudged by a court of competent jurisdiction to be invalid or unenforceable, then this Permanent Injunction shall cease to be in effect as to the portion or portions of said patents adjudged to be invalid or unenforceable, but shall continue in effect with respect to all other portions of said patents.

It is further **ORDERED** that all claims asserted by Polyform against Defendants set forth in the Complaint in this Action, and all counterclaims asserted against Polyform in Defendants' Answer and Counterclaims, shall be **DISMISSED WITH PREJUDICE**, with each party bearing its own costs and its own attorneys' fees.

LET JUDGMENT BE ENTERED ACCORDINLY.

Dated: June 25, 2018
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court